

HOUSE BILL 1264

L2

2lr0579

By: **Howard County Delegation (By Request)**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2012

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Massage Establishment, Pawnbroker or Secondhand**
3 **Dealer Establishment, and Taxicab Licenses – Criminal History Records**
4 **Checks**

5 **Ho. Co. 8–12**

6 FOR the purpose of authorizing the Howard County Department of Inspections,
7 Licenses and Permits to request from the Criminal Justice Information System
8 Central Repository a State and national criminal history records check for an
9 applicant for a massage establishment license, pawnbroker or secondhand
10 dealer establishment license, taxicab license, or renewal of a massage
11 establishment license, pawnbroker or secondhand dealer establishment license,
12 or taxicab license; requiring that the department submit certain sets of
13 fingerprints and fees to the Central Repository as part of the application for a
14 criminal history records check; requiring the Central Repository to forward to
15 the applicant and the department the applicant's criminal history record
16 information under certain circumstances; establishing that information
17 obtained from the Central Repository under this Act is confidential, may not be
18 disseminated, and may be used only for certain purposes; authorizing a subject
19 of a criminal history records check under this Act to contest the contents of a
20 certain printed statement issued by the Central Repository; providing for the
21 application of this Act; authorizing the governing body of Howard County to
22 adopt guidelines to carry out this Act; defining certain terms; and generally
23 relating to criminal history records checks in Howard County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
2 Article – Criminal Procedure
3 Section 10–233
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2011 Supplement)

6 BY adding to
7 Article – Criminal Procedure
8 Section 10–233.1
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Criminal Procedure**

14 10–233.

15 (a) The County Administrator of Howard County shall apply to the Central
16 Repository for a State and national criminal history records check for each prospective
17 employee of Howard County.

18 (b) As part of the application for a criminal history records check, the
19 Administrator of Howard County shall submit to the Central Repository:

20 (1) two complete sets of the prospective employee’s legible fingerprints
21 taken on forms approved by the Director of the Central Repository and the Director of
22 the Federal Bureau of Investigation;

23 (2) the fee authorized under § 10–221(b)(7) of this subtitle for access to
24 Maryland criminal history records; and

25 (3) the mandatory processing fee required by the Federal Bureau of
26 Investigation for a national criminal history records check.

27 (c) In accordance with this subtitle, the Central Repository shall forward to
28 the prospective employee and the Administrator of Howard County the prospective
29 employee’s criminal history record information.

30 (d) Information obtained from the Central Repository under this section:

31 (1) is confidential and may not be disseminated; and

32 (2) shall be used only for the employment purpose authorized by this
33 section.

1 (e) The subject of a criminal history records check under this section may
2 contest the contents of the printed statement issued by the Central Repository as
3 provided under § 10-223 of this subtitle.

4 **10-233.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “MASSAGE ESTABLISHMENT LICENSE”:

8 (I) MEANS A CERTIFICATE, LICENSE, PERMIT, OR SIMILAR
9 DOCUMENT THAT WOULD ALLOW A PERSON TO OWN, OPERATE, OR MANAGE A
10 MASSAGE ESTABLISHMENT IN HOWARD COUNTY; AND

11 (II) INCLUDES ANY RENEWAL OF A DOCUMENT DESCRIBED
12 IN ITEM (I) OF THIS PARAGRAPH.

13 (3) “PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT
14 LICENSE”:

15 (I) MEANS A CERTIFICATE, LICENSE, PERMIT, OR SIMILAR
16 DOCUMENT THAT WOULD ALLOW A PERSON TO OWN, OPERATE, OR MANAGE A
17 PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT IN HOWARD
18 COUNTY; AND

19 (II) INCLUDES ANY RENEWAL OF A DOCUMENT DESCRIBED
20 IN ITEM (I) OF THIS PARAGRAPH.

21 (4) “TAXICAB LICENSE”:

22 (I) MEANS A CERTIFICATE, LICENSE, PERMIT, OR SIMILAR
23 DOCUMENT THAT WOULD ALLOW A PERSON TO OWN, OPERATE, OR DRIVE A
24 TAXICAB IN HOWARD COUNTY; AND

25 (II) INCLUDES ANY RENEWAL OF A DOCUMENT DESCRIBED
26 IN ITEM (I) OF THIS PARAGRAPH.

27 (B) THIS SECTION DOES NOT APPLY TO AN APPLICANT THAT:

28 (1) IS A LICENSED MASSAGE THERAPIST OR REGISTERED
29 MASSAGE PRACTITIONER UNDER TITLE 3, SUBTITLE 5A OF THE HEALTH
30 OCCUPATIONS ARTICLE; AND

1 **(2) IS THE OWNER, MANAGER, OR OPERATOR OF A SOLE**
 2 **PROPRIETORSHIP OR OTHER MASSAGE THERAPY ESTABLISHMENT IN WHICH**
 3 **EACH MASSAGE THERAPIST IS A LICENSED MASSAGE THERAPIST OR**
 4 **REGISTERED MASSAGE PRACTITIONER.**

5 ~~(B)~~ **(C) THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS,**
 6 **LICENSES AND PERMITS MAY REQUEST FROM THE CENTRAL REPOSITORY A**
 7 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK ON AN APPLICANT**
 8 **FOR:**

9 **(1) A MASSAGE ESTABLISHMENT LICENSE;**

10 **(2) A PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT**
 11 **LICENSE; OR**

12 **(3) A TAXICAB LICENSE.**

13 ~~(E)~~ **(D) (1) AS PART OF THE APPLICATION FOR A CRIMINAL**
 14 **HISTORY RECORDS CHECK, THE HOWARD COUNTY DEPARTMENT OF**
 15 **INSPECTIONS, LICENSES AND PERMITS SHALL SUBMIT TO THE CENTRAL**
 16 **REPOSITORY:**

17 **(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE**
 18 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
 19 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
 20 **INVESTIGATION;**

21 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS**
 22 **SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND**

23 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
 24 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
 25 **RECORDS CHECK.**

26 **(2) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL**
 27 **REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE HOWARD COUNTY**
 28 **DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS THE APPLICANT'S**
 29 **CRIMINAL HISTORY RECORD INFORMATION.**

30 **(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
 31 **UNDER THIS SECTION:**

32 **(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND**

1 **(II) MAY BE USED ONLY FOR A LICENSE-RELATED PURPOSE**
2 **CONCERNING AN APPLICANT FOR A MASSAGE ESTABLISHMENT LICENSE, A**
3 **PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT LICENSE, OR A**
4 **TAXICAB LICENSE AS AUTHORIZED BY THIS SECTION.**

5 **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
6 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
7 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER**
8 **§ 10-223 OF THIS SUBTITLE.**

9 ~~**(D)**~~ **(E) THE GOVERNING BODY OF HOWARD COUNTY MAY ADOPT**
10 **GUIDELINES TO CARRY OUT THIS SECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.